

Serial Number _____

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed within one mile of identified peregrine falcon nesting sites.

On the lands described below:

For the purpose of:

To protect the habitat of the peregrine falcon, an endangered species under the Endangered Species Act (ESA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the peregrine falcon or its habitat. If the authorized officer determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area can be modified if the authorized officer, in consultation with the FWS, determines that portions of the area no longer are critical to the peregrine falcon.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold no longer contains habitat critical to the peregrine falcon, or if the peregrine falcon is declared recovered and is no longer protected under the ESA.

NSO 11-7
Billings Field Office
Miles City Field Office
South Dakota Field Office